THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

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WRIT PETITION No : 16777 of 2005

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DATED 05-08-2005

Between:

Velagapudi Seetaramaiah and two others.

--- PETITIONERS

AND

The Sub-Inspector of Police, Penamaluru P.S.,

Krishna District. --- RESPONDENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No : 16777 of 2005

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader

and at their request, the writ petition itself is disposed of at the admission stage.

The grievance of the petitioners in this writ petition is that the respondent is not releasing the three International Tractors along with Trailors belonging to the petitioners i.e., Tractor No.AP 09 J 3644 with Trailor No.AP 20 T 5766, Tractor No.ADF 7121 with Trailor No. AP 16 T 2914 and Tractor No.AP 07 U 3055 with Trailor No.AP 07 U 3056.

Learned counsel for the petitioners contends that the action of the respondent in seizing the said vehicles, in the absence of any criminal case being registered against the petitioners is without authority of law and the action of the respondent in not releasing the vehicles is in violation of Articles 14 and 21 of the Constitution of India.

Learned Government Pleader, on instructions, submits that no crime is registered against the petitioners nor were the vehicles seized in connection with any criminal case or for a criminal offence.

Learned Government Pleader submits that the vehicles were seized on the instructions of the Mandal Revenue Officer. In the absence of any provision of law enabling him to do so, the action of the Mandal Revenue Officer in directing or requesting the Sub-Inspector of Police to seize the vehicles, is without authority of law, arbitrary, illegal and high-handed. There shall be a direction to the respondent to release the vehicles belonging to the petitioners forthwith, in any event not later than one week from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No order as to costs.

RAMESH RANGANATHAN, J

Date: 05-08-2005

Note:

Issue C.C. by Monday

B/o.

Prv